



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

SEPTEMBER 23, 2019

9:30

Calendar No. 19-107:

**3714 Brooklyn Ave./Building
and Housing Violation Notice**

Ward 13

Kevin Kelley

Marvin D. Beavers III, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V19012160 issued on April 12, 2019 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. (Filed May 13, 2019).

9:30

Calendar No. 19-198:

10617 Cedar Avenue

Ward 6

Blaine A. Griffin

6 Notices

10617 Cedar LLC., owner, proposes to establish use of existing building and parking lot for ambulance service office and storage of ambulance vehicles in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that "ambulance service offices and storage of ambulance vehicles" is not permitted in a Local Retail Business District.
2. Section 352.07(b)(2)(A) which states that determination of the Board of Zoning Appeals is required for a continuation of non-conforming landscaping; a six foot wide landscaped frontage strip is required where parking lot abuts East 107th Street and Cedar Avenue and no landscaping is provided.
3. Section 349.04(g) which states that parking is required at the rate of one per 500 square feet. Applicant must distinguish dedicated required spaces for employees and ambulance parking at Board of Zoning Appeals hearing. (Filed August 7, 2019/Building and Housing Revised August 30, 2019).

9:30

Calendar No. 19-204:

2220 Belvoir Blvd.

Ward 10

Anthony T. Hairston

14 Notices

Duncan Artist, owner, proposes to erect a 40' x 28' accessory garage structure in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 337.23(a)(6)(A)(1) which states that a detached garage is required to be in the rear half of the lot. (Filed August 19, 2019).

9:30

Calendar No. 19-205: 9402 Pierpont Ave.

**Ward 9
Kevin Conwell
16 Notices**

Deborah Holland, owner, proposes to change use from two family to three family in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.03 which states that use as a three family dwelling unit is not permitted in a B1 Two Family Residential District. (Filed August 19, 2019).

9:30

Calendar No. 19-207: 4219 Orchard Ave. (Front)

**Ward 3
Kerry McCormack
18 Notices**

Pango Real Estate, LLC., owner, proposes to erect a 2 story single family residence with an attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet; the proposed lot area is 2,910 square feet. This section states that a minimum lot width of 40 feet is required and 30 feet are proposed; the Maximum Gross Floor Area Shall not be greater than 50 percent of lot size or in this case 1,455 square feet and the appellant is proposing 1,607 square feet.
2. Section 357.08 which states that the Depth of Required Rear Yard shall be not less than the height of the main building or in this case 22 feet and 7 inches; and a 16 foot rear yard is proposed.
3. Section 357.15 which states that rear buildings shall have 40 feet between dwellings on same lot the appellant is proposing 32 feet.
4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed August 21, 2019).

9:30

Calendar No. 19-208: 4219 Orchard Ave. (Rear)

**Ward 3
Kerry McCormack
18 Notices**

Pango Real Estate, LLC., owner, proposes to erect a 3 story single family residence with an attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet; the proposed lot area is 2,421 square feet. This section states that a minimum lot width of 40 feet is required and 30 feet are proposed; the Maximum Gross Floor Area Shall not be greater than 50 percent of lot size or in this case 1,211 square feet and the appellant is proposing 1,453 square feet.

2. Section 357.08 which states that the Depth of Required Rear Yard shall be not less than the height of the main building or in this case 31 feet and 3 inches; and a 16 foot rear yard is proposed.
3. Section 357.15 which states that rear buildings shall have 40 feet between dwellings on same lot the appellant is proposing 32 feet.
4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed August 21, 2019).

9:30

Calendar No. 19-211:

3011 Barber Ave.

Ward 3

Kerry McCormack

11 Notices

Vince Gonzalez, owner, proposes to erect a 20' x 24' garage on a vacant lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Sections 337.03 and 337.23 of the Cleveland Codified Ordinances which state that a garage is not permitted as the main use of a lot in a residential district and is only permitted as an accessory use to a residence on the same lot. No residence is on parcel. (Filed August 28, 2019).

POSTPONED FROM AUGUST 19, 2019

9:30

Calendar No. 19-187:

1666 West 69 Street

Ward 15

Matt Zone

8 Notices

Dean Sigon, owner, proposes to erect a rear addition, a 2 story front balcony, a second floor room addition and a third floor great room addition to existing condemned single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23 which states that all Parking spaces shall be placed on the rear half of lot, no parking space shall be within 10 feet of any wall that contains ground floor windows that provides ventilation.
2. Section 355.04(a) which states that the maximum Gross Floor Area shall not exceed 50 percent of lot size or in this case 1,139 square feet and the appellant is proposing 2,030 square feet.
3. Section 357.04 (a) which states that the required Front Yard Setback is 16.6 feet and the appellant is proposing 11 feet and 6 inches.
4. Section 357.08(b)(1) which states that the Required Rear Yard is 24 feet and the appellant is proposing 7 feet for dwelling and 3.1 feet for deck.
5. Section 357.09(2)(B) which states that the Required Interior Side yard is 3 feet and the appellant is proposing 2 feet rear, third floor, front additions . This section also states that the total width of both Side yards shall not be less than 6' and the appellant is proposing 4 feet; the minimum distance between main building on adjoining lots shall not be less than 6 feet and the appellant is proposing 3 feet
6. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 24, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM AUGUST 19, 2019

9:30

Calendar No. 19-154:

18012 Hillgrove Ave.

Ward 8

Michael Polensek

26 Notices

John Bartone, owner, proposes to change use from a two-family dwelling to a three-family dwelling in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that in a Two-Family District, a three-family dwelling is not permitted; it is first permitted in a Multi-family District
2. Section 337.03(c) which states that The Board of Zoning Appeals, may grant special permit for remodeling of existing dwelling houses to provide for more than two dwelling units but no more than six dwelling units provided that:
 - (1) The square feet of a lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355;
 - (2) The dwelling units to be created will be not similar than two (2) rooms and a bathroom;
 - (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two families; except such as may be permitted by the Board;
 - (4) The Building when altered or erected and when occupied will confirm to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify;
 - (5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than (1) car per family.
3. Section 355.04 which states that the minimum lot area for a three-family dwelling is 7,200 square feet; the lot area proposed is 4,720 feet. (Filed June 25, 2019-No Testimony) *FIRST POSTPONEMENT MADE BY THE BOARD TO ALLOW TIME FOR THE APPELLANT TO RESPOND TO A RES JUDICATA FINDING. IN CALENDAR NUMBER 01-72 THE BOARD DENIED A REQUEST TO CHANGE THE USE TO A THREE DWELLING UNIT.*

POSTPONED FROM AUGUST 19, 2019

9:30

Calendar No. 19-173:

10206 Ostend Ave.

Ward 9

Kevin Conwell

27 Notices

Sparkie Green, owner, proposes to establish use as a state licensed residential facility for five residents in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b)

one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.

2. Section 337.03(b) which states that a residential facility, as defined above for one(1) to five (5) unrelated persons, is permitted in a One or Two Family Residential District provided it is located not less than one thousand (1,000) feet from another residential facility. Proposed residential facility is within 1,000 feet of an existing residential facility, Truly Care Adult Family Home, at 10403 South Blvd. (Filed July 11, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM AUGUST 5, 2019

9:30

Calendar No. 19-72:

961 Addison Road

Ward 10

Anthony T. Hairston

9 Notices

City of Cleveland, owner, and, C & J Contractors, prospective purchaser proposes to consolidate 4 parcels and build a parking lot in a B3 Semi-Industrial District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07 which states that accessory off-street parking spaces shall be provided with wheel or bumper guards. The driveway used to provide accessibility to accessory parking spaces shall be arranged to minimize traffic congestion.
2. Section 352.10 which states that a 6 foot wide landscaped frontage strip is required.
3. Section 358.05 which states that fences in the actual front yard and in side street yard shall not exceed four (4) feet in height and shall be at least 50% open and proposed fence is 6 feet tall. (Filed April 16, 2019 - NO TESTIMONY) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY LAND BANK STAFF FOR FURTHER REVIEW.*